

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DENNIS C. RICCI,)	
)	
Plaintiff)	
)	Case 3:09-0645
v.)	Judge Nixon/Brown
)	Jury Demand
RAPID RESTORATION, LLC,)	
)	
Defendant)	

O R D E R

A telephone conference was held with the parties on May 12, 2011, to discuss their discovery issues. Defendant's counsel announced that the new trial date conflicted with a prepaid nonrefundable vacation he had planned. Plaintiff's counsel advised that he would be willing to work with a change of trial date. The parties are directed to contact Judge Nixon's courtroom deputy to see if an alternate trial date can be secured.

The Magistrate Judge discussed with the parties a couple of discovery issues. Plaintiff's counsel does not intend to call Mr. Monahan at the trial. The Plaintiff does plan to call Mrs. Ricci to testify about damages, such as his emotional state, etc. Defendant's counsel requested a supplementation. His interrogatory had asked what efforts Mr. Ricci had made to find additional employment. Plaintiff's counsel agreed to provide that supplementation and to give a brief summary of what Plaintiff's wife will testify to concerning damages. With these supplementations, the

Magistrate Judge does not see the need to reopen discovery and the parties seem satisfied with this resolution.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge